



MICHAEL P. LOWRY, ESQ.

Nevada Bar No. 10666

E-mail: Michael.Lowry@wilsonelser.com

JONATHAN C. PATTILLO, ESQ.

Nevada Bar No. 13929

E-mail: Jonathan.Pattillo@wilsonelser.com

300 South 4th Street, 11th Floor

Las Vegas, NV 89101-6014

Tel: 702.727.1400/Fax: 702.727.1401

Attorneys for Joseph P. Hollingshead; Gardner Trucking, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KELLY D. STEPHENSON, an individual; and
CHRISTINE STEPHENSON, an individual,

Plaintiffs,

vs.

GARDNER TRUCKING, INC., a California
corporation; GARDNER TRUCKING, INC., a
Nevada corporation; JOSEPH P. HOLLINGSHEAD,
an individual; and DOES 1 THROUGH 50,
inclusive,

Defendants.

Case No.: 2:19-cv-52

**Joseph P. Hollingshead and Gardner
Trucking, Inc.'s Petition for Removal**

Joseph P. Hollingshead and Gardner Trucking, Inc. petition to remove this case to the United States District Court for the District of Nevada from the Ninth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiffs Kelly D. Stephenson and Christine Stephenson allege they are residents of Nevada.¹ Gardner Trucking, Inc. is a California corporation with its principal place of business in California. Its answer admitted that Mr. Hollingshead, a California resident, was within the course and scope of employment with it when the accident at issue occurred. Gardner Trucking, Inc., a Nevada corporation, had no role in this matter and was voluntarily dismissed on January 22, 2019. This petition for removal was filed within 30 days of complete diversity being created.

¹ ECF No. 001-2 at ¶ 2.

1 On December 17, 2018 Plaintiffs indicated the past medical damages that Mr. Stephenson
2 claims are related to this accident are at least \$108,274.00. The amount in controversy exceeds
3 \$75,000.

4 Attached are copies of all process, pleadings, and orders served upon Defendants in state
5 court.

6 DATED this 31st day of January, 2019.



8
9 */s/ Michael P. Lowry*

10 BY:

11 MICHAEL P. LOWRY
12 Nevada Bar No. 10666
13 300 South 4th Street, 11th Floor
14 Las Vegas, NV 89101-6014
15 Tel: 702.727.1400/Fax: 702.727.1401
16 Attorneys for Joseph P. Hollingshead; Gardner
17 Trucking, Inc.
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on January 31, 2019, I served **Joseph P. Hollingshead and Gardner Trucking, Inc.'s Petition for Removal** as follows:

- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

Gene M. Kaufmann
Sullivan Law, P.C.
1625 State Route 88, #401
Minden, NV 89423
Attorneys for Kelly D. Stevenson;
Christine Stephenson

BY: /s/ Michael P. Lowry

An Employee of

